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By Telefacsimile

Hon. Barbara S. Jones
 United States District Judge
 United States Courthouse
 500 Pearl Street, Room 620
 New York, New York 10007

Re: LaVerde v. Capital One et al, No. 07-4838 (BSJ)

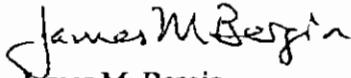
Dear Judge Jones:

I and my firm represent defendants Capital One F.S.B. (sued herein as Capital One Healthcare Finance) and CIT Bank (sued herein as CIT Group Inc.) in the above-referenced action. On August 31, 2007, we filed a motion to dismiss on behalf of both Capital One and CIT. Pursuant to the Local Rules of this Court, Plaintiff's opposition would normally be due on September 14, 2007, and our reply would be due one week later.

Recently, Plaintiff's counsel, Shmuel Klein, contacted me to discuss a proposed briefing schedule for the motion, in light of upcoming religious holidays. After discussion, the parties agreed to propose the following schedule: Plaintiff time to file an opposition would be extended to October 31, 2007, and Defendants' time to reply would be extended to November 30, 2007. This schedule is intended to accommodate both Mr. Klein's request and anticipated travel outside the jurisdiction on my part. No prior request has been made for the relief sought herein.

If the proposed extension meets with the Court's approval, I respectfully request that Your Honor "So Order" this letter and file it with the Clerk.

Respectfully submitted,



James M. Bergin

Application GRANTED

SO ORDERED
 Dated: 
 BARBARA S. JONES
 U.S.D.J.

cc: Law Office of Shmuel Klein, PC (By telefacsimile and email)